

From: [Dan Peacock](#)
To: [Bill Jacobs](#)
Subject: Fw: Question from ACE Hardware supplier
Date: 04/12/2011 08:15 AM

FYI

,

Daniel B. Peacock, Biologist
Tel: 703-305-5407
Fax: 703-308-0029
E-Mail: peacock.dan@epa.gov

Addresses:

United States Postal Service (USPS): USEPA, Insecticide-Rodenticide Branch,
Registration Division (7504P), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001

Courier Deliveries: USEPA, Insecticide-Rodenticide Branch, Registration Division,
Room S-4900, One Potomac Yard, 2777 Crystal Drive, Arlington, VA 22202

----- Forwarded by Dan Peacock/DC/USEPA/US on 04/12/2011 08:14 AM -----

From: Russell Wasem/DC/USEPA/US
To: dbeaudreau@dclrs.com
Cc: John Hebert/DC/USEPA/US@EPA, Dan Peacock/DC/USEPA/US@EPA, Rosanna Louie-Juzwiak/DC/USEPA/US@EPA, Kathryn Jakob/DC/USEPA/US@EPA, Jennifer Gaines/DC/USEPA/US@EPA
Date: 04/11/2011 05:17 PM
Subject: Re: Fw: Question from ACE Hardware supplier

Hello David,

Dan forwarded me your questions.

Regarding the article below. The court decided we may not pursue misbranding as a way to implement the Risk Mitigation Decision (RMD). The court decision did not address the merits of the RMD or the June 4th date. The Agency intended and intends for June 4th be the last day for which rodenticide manufacturers distribute or sell products that fail to meet the risk mitigation goals of the RMD. Rodenticide producers that sell non-conforming products after June 4, 2011 can expect Agency action to remove those products from the market.

Registered pesticides may be distributed, sold, and used consistent with their registration, unless they are cancelled or suspended. Cancelled and suspended pesticides may be distributed, sold, or used only if the cancellation or suspension order authorizes it, and only to the extent authorized in the cancellation or suspension order. We encourage retailers to stock only the more protective products that conform to the RMD. EPA continues to believe that the risk mitigation measures in the RMD should be implemented by June 4, 2011, and notwithstanding the court's decision, the Agency believes that it has adequate authorities to remove non-conforming products from the market after that date.

In your earlier emails, you indicate Dan will send you a document. I believe I missed him today, but will follow up with him in the morning and try to forward the document he discussed.

If you have any further questions, do not hesitate to contact me.

Regards,

Rusty_____

Rusty Wasem / Chemical Review Manager
Risk Management & Implementation Branch 1*
Pesticide Re-evaluation Division* / Office of Pesticide Programs
703 / 305 6979

▼ Dan Peacock---04/11/2011 10:16:45 AM---Rus, Here is another E-Mail from Mr. Beaudreau with additional questions.

From: Dan Peacock/DC/USEPA/US
To: Russell Wasem/DC/USEPA/US@EPA
Date: 04/11/2011 10:16 AM
Subject: Fw: Question from ACE Hardware supplier

Rus,

Here is another E-Mail from Mr. Beaudreau with additional questions.

Thank You,

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----- Forwarded by Dan Peacock/DC/USEPA/US on 04/11/2011 10:15 AM -----

From: "David Beaudreau" <dbeaudreau@dclrs.com>
To: Dan Peacock/DC/USEPA/US@EPA
Cc: John Hebert/DC/USEPA/US@EPA
Date: 03/23/2011 01:24 PM
Subject: RE: Question from ACE Hardware supplier

Dan and John,

I've just been sent the article below. Is this accurate? Based on a previous conversation with your office, I was of the understanding that as of June 4th, 2011 registrants affected by the 2008 Risk Mitigation Decision will be required to stop producing or selling their products.

Thank you,
David

Bait pellet rodenticide to remain on shelves

March 14, 2011

As an EPA deadline looms, Parsippany, N.J.-based Reckitt Benckiser said its d-CON bait pellet rodenticide products will remain on the shelves. On Jan. 28, 2011, the U.S. District Court for the District of Columbia mandated EPA to follow due process and hold hearings before making any recommendation that could result in the removal of its d-CON loose baits from the market, the company said. The company says it is hoping to avoid market confusion.

"Based on the new ruling, retailers can continue to sell d-CON loose baits, which are the consumer-preferred and most effective format on the market," said Raj Jain, brand manager for d-CON at Reckitt Benckiser.

"We want our retail partners to know that d-CON will continue to offer efficacious bait solutions for consumers and that the EPA's June 4, 2011, deadline for removing all products that contain second-generation rodenticides has been extensively delayed."

The Court agreed that the EPA has no authority under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to misbrand d-CON loose baits until the time that a hearing could take place, the company said. This hearing would provide d-CON with a forum to present its findings regarding benefits of current products in controlling rat and mice population to avoid any public health issues. The company said it does not expect a resolution of this matter for at least 12 months.

-----Original Message-----

From: Peacock.Dan@epamail.epa.gov [mailto:Peacock.Dan@epamail.epa.gov]
Sent: Wednesday, February 09, 2011 3:04 PM
To: David Beaudreau
Cc: Hebert.John@epamail.epa.gov
Subject: RE: Question from ACE Hardware supplier

Dear Mr. Beaudreau,

Thanks for asking.

The Agency is working on a response to your question and other questions. As soon as they have been finalized and available for release, I will send you a copy.

Daniel B. Peacock, Biologist
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From: "David Beaudreau" <dbeaudreau@dclrs.com>
To: Dan Peacock/DC/USEPA/US@EPA
Date: 02/09/2011 02:44 PM
Subject: RE: Question from ACE Hardware supplier

Hi Dan,

I'm following up to see if you have heard any response from your legal department regarding my question about the RMD?

Thanks,
David

-----Original Message-----

From: David Beaudreau
Sent: Wednesday, February 02, 2011 4:24 PM
To: Peacock.Dan@epamail.epa.gov
Subject: RE: Question from ACE Hardware supplier

Thanks!

-----Original Message-----

From: Peacock.Dan@epamail.epa.gov [mailto:Peacock.Dan@epamail.epa.gov]
Sent: Wednesday, February 02, 2011 4:19 PM
To: David Beaudreau
Subject: RE: Question from ACE Hardware supplier

Dear Mr. Beaudreau,

Yes.

Thank You,

Daniel B. Peacock, Biologist
Tel: 703-305-5407
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